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## MISSION

The mission of Disability Rights Mississippi ("DRMS") is to promote, protect and advocate for the legal and human rights of all people with disabilities, and to assist them with full inclusion in home, community, education and employment.

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## ABOUT DRMS

- DRMS is a private, non-profit corporation with a federal mandate to **protect and advocate** for the rights of individuals with disabilities across the state of Mississippi.
- DRMS has been providing advocacy services for almost thirty years, free of charge, to Mississippians with disabilities and has helped improve the lives of thousands of our state's most vulnerable population by championing their rights.
- DRMS is the only disability advocacy agency in Mississippi that has attorneys on staff to pursue legal remedies if necessary.
- DRMS Services:
  - Rights Training (for individuals, businesses, agencies, etc.)
  - General Advocacy (attempt to remedy using non-legal advocacy approach)
  - Exhaustion of Administrative Remedies (assistance with the process/education)
  - Individual Legal Advocacy (individual's issue meets DRMS case criteria and requires legal representation)
  - Systemic Legal Advocacy (issues/trends identified by DRMS teams which require legal intervention)
- All work is overseen by attorneys - either the Litigation Director or the Legal Director

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## NATIONAL DISABILITY RIGHTS NETWORK

- DRMS is a proud member of the National Disability Rights Network (NDRN) which is based in Washington, DC.
  - NDRN promotes the network's capacity, ensures that P&As/CAPs remain strong and effective by providing training and technical assistance, and advocates for laws protecting the civil and human rights of all people with disabilities.
- There are 57 Protection & Advocacy (P&A) agencies – there is a P&A designated in all states and territories and are designated by the Governor or executive authority of each.
- Funded by continuous, non-competitive grants (which also provide our unique access authority)

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## Access Authority

- As Mississippi's P&A, DRMS may:
  - Investigate incidents of abuse and neglect;
  - Provide information, referrals, and training about the rights of people with disabilities and DRMS services;
  - Monitor service provider and program compliance with respect to the rights and safety residents of facilities;
  - Pursue administrative, legal, and other appropriate remedies to ensure the protection of the rights of individuals with disabilities
- Governing authority for this unique access (and funding) include:
  - Protection & Advocacy for People with Developmental Disabilities (PADDD) Act, 42 USC 15043(a)(2)(B)
  - Protection & Advocacy for Individual Rights (PAIR) Act, 29 USC 794(e)(1)(1)
  - Protection & Advocacy for Individuals with Traumatic Brain Injury (PATBI) Act, 42 USC 300d-53
  - Protection & Advocacy for Individuals with Mental Illness (PAIMI) Act 42 CFR 51.42(c)(2)
  - Protection & Advocacy for Beneficiaries of Social Security (PABSS) Ticket to Work and Work Incentives Improvement Act of 1999, as amended (TWWIIA) 42, USC 1320b-21.
- Other Governing Authority
  - Protection and Advocacy for Voting Accessibility (PAVA)
  - Strengthening Protections for Social Security Beneficiaries (Rep Payee Program)
  - Protection and Advocacy for Assistive Technology (PAAT)

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## Service Providers

- A service provider includes, but is not limited to:
  - Hospitals
  - Nursing homes
  - Community Living Arrangements (group homes, board and care homes, individual residences and apartments)
  - Day Programs
  - Juvenile Justice Centers
  - Homeless Shelters
  - Correctional Facilities
- DRMS' monitoring authority includes, among other things, "inspecting, viewing, and photographing all areas of the service provider which are used by residents or are accessible to residents."
- DRMS' authority to investigate incidents of abuse and neglect is separate and distinct from its monitoring authority
  - For both roles, DRMS is entitled to "reasonable, unaccompanied access" to public and private service providers

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## Access to Information/Records

- o DRMS' access authority extends to a wide range of records, including but not limited to:
  - o Records made or received by staff, including "intake, assessment, evaluation, education, training and other supportive services."
  - o Medical records (can be a DRMS client or a patient/resident/inmate who is subject to a complaint received by DRMS)
  - o Financial records
  - o Monitoring or other like reports made or received by staff of the service provider.
  - o Reports related to agency investigations of abuse and neglect, including the steps taken in the course of the investigation, the service provider records related to the incident and all information used to make the final report.
  - o Reports made by regulatory agencies such as those performing a certification, licensure, or professional accreditation function.
  - o Discharge planning records
  - o Professional performance, building or other safety standards, demographic and statistical information relating to the service provider

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## DRMS Teams

- o **Monitoring & Investigations Team**
  - o This team is tasked with conducting the routine monitoring of the service providers/facilities across the state as well as conducting any investigation into alleged abuse and neglect that may occur in these facilities.
  - o This team is also tasked with identifying systemic issues within facilities that may require further legal advocacy
  - o Oversight by Litigation Director
- o **Civil Rights Team**
  - o This team handles complaints involving discrimination based on disability or any civil rights violation that may occur as a result of someone having a disability.
  - o Examples: denial of reasonable accommodation, housing discrimination, denial of use of service animal, voting, etc.
  - o Oversight by Litigation Director
- o **Children's Rights Team**
  - o This team is responsible for handling issues which involve youth. This includes special education services as well as facilities that house children, such as Psychiatric Residential Treatment Facilities.
  - o This does not include juvenile justice facilities as that is handled by the M&I team
  - o Oversight by Legal Director

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## DRMS Teams

- o **Representative Payee Team**
  - o In March 2018, legislation was passed by the U.S. Senate to increase oversight and protection for some of our nation's most vulnerable citizens. The bill, called the Strengthening Protections for Social Security Beneficiaries Act (H.R. 4547), increased independent oversight of the Social Security Administration's Representative Payee Program.
  - o The P&A Network was identified to collaborate with Social Security to monitor representative payees throughout the country by educating rep payees of their responsibilities and identifying cases of misuse.
  - o Oversight by Legal Director
- o **Medicaid Team (coming soon)**
  - o Oversight by Legal Director

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## 2021-2022 PROJECTS/PRIORITIES

- Civil Rights Team**
  - Conduct accessibility surveys of courthouses in MS, ensuring all Mississippians have equal access to justice
  - Conduct continued monitoring of polling locations throughout Mississippi and providing information on improvements to county officials/Secretary of State
  - Continued monitoring of ITRAN (public transportation) alongside DOJ under ongoing consent decree (set to be renewed for an additional year)
  - Conduct accessibility surveys of IHL athletic facilities at Mississippi colleges and universities.
- Monitoring & Investigations Team**
  - Complete an investigation into the conditions in both licenses and unlicensed personal care homes and provide a thorough report to state leadership
  - Continued monitoring of Hensley Young Juvenile Justice facility alongside SPLC under the ongoing consent decree (just renewed for an additional 2 years)
  - Continue presence in Mississippi prisons, jails, and juvenile justice facilities to monitor/gather data as to medical care, mental health care, and physical accessibility
- Children's Rights Team**
  - Investigate children in CPS custody who remain in a residential setting longer than their treatment requires

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## How We Got Here

- The Mississippi Department of Corrections has historically grappled with severe conditions of confinement failures further flamed by staffing shortages, yearly budget cuts, and a large and rising prison population—all of which have left the Department incapable of safely housing the nearly 20,000 people within its custody.
- Toward the end of 2019 and into 2020, MDOC reported an unprecedented number of deaths and escalating violence flamed by understaffing, a massive change in leadership, and (ultimately) a global pandemic.
- Since the end of 2019, at least 80 people have died in MDOC custody with the numbers continuing to grow.
- DRMS initiated monitoring of MDOC facilities in December 2019 and has continued to monitor throughout 2020 (with COVID limitations)



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## Initiation of Prison Monitoring

- As a result of the escalating problems and mounting deaths in Mississippi prisons at the end of 2019/beginning of 2020, DRMS initiated strategic and directed monitoring of Mississippi Department of Corrections facilities—specifically Mississippi State Penitentiary (Parchman), South Mississippi Correctional Institution (SMCI), and Central Mississippi Correctional Facility (CMCF).
  - MS Legislature - Cut Corrections by \$215M despite the bloodshed and rising concerns that were occurring at the end of 2019/beginning of 2020.
- Non-Attorney Advocate (Legal Fellow) - established a collaborative (albeit tense) relationship with MDOC General Counsel to structure monitoring visits and legal visits to go as smoothly as possible
  - General Counsel understood and allowed unfettered access to facilities and inmates
- Legal Fellow conducts general monitoring visits as well as any individual visits with DRMS clients who have sought DRMS assistance through intake process.
  - General Advocacy/Documented communication with MDOC
  - DRMS assists with completion of the grievance process (significant obstacles)
- No Hiding the Ball – tell MDOC what we found and how we believe it could be improved
  - Document, document, document
  - Provide notice when an individual inmate has an issue or bigger problem is identified – cannot state they were unaware

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## Initiation of Prison Monitoring – Other Steps

- DRMS also collaborated with US Congressman Bennie G. Thompson and 10 other civil rights organizations to file a complaint pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA") with the Department of Justice
- On February 5, 2020, the DOJ announced that it had opened an investigation into conditions of confinement in four of the prisons in Mississippi

Not long after the DOJ announced this investigation would take place. . . .

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## Jay-Z, Yo Gotti help 150 inmates at Mississippi prison sue over 'barbaric' conditions

Inmates at the Mississippi State Penitentiary in Parchman "live a miserable and hopeless existence confronted daily by imminent risk of substantial harm," the suit said.



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## DRMS Special Report: MS Prisons

- As a result of the escalating problems and mounting deaths in Mississippi prisons at the end of 2019/beginning of 2020, DRMS initiated strategic and directed monitoring of Mississippi Department of Corrections facilities – specifically Mississippi State Penitentiary (Parchman), South Mississippi Correctional Institution (SMCI), and Central Mississippi Correctional Facility (CMCF).
- In January 2021, DRMS released its report entitled *Cruel and Unusual Punishment in Mississippi Prisons: A Tale of Abuse, Discrimination and Undue Death Sentences*
- This report paints a horrific picture of the conditions in these facilities and how they affect inmates with disabilities which can be attributed to:
  - Inadequate Medical Care/Mental Health Treatment
  - Inadequate Staffing
  - Inadequate Policies and Practices
  - Blatant non-compliance of the Americans with Disabilities Act and other relevant laws

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## Areas of Monitoring

- DRMS is specifically looking at these areas/for these issues during routine monitoring:
  - Lack of Medical Care – refusal to provide medical services (whether emergent or otherwise), refusal to provide medication, denial of continued/follow-up medical services, disregard for medical conditions/diagnosis which require continuous care)
  - Lack of Mental Health Care – complete lack of mental health treatment/services, refusal/denial of medication, lack of follow-up/continue observation of individuals with mental illness - specifically those that suffer a episode/event
  - Physical/Structural Inaccessibility – lack of access to restrooms/common areas, inability to retrieve food/medication/etc. due to placement, structural issues which prevent inmates from accessing common areas/programs/services; failure/refusal to provide mobility aides to inmates with disabilities
  - Use of Restraints/Seclusion – specifically the use of these processes on individuals with mental illness when seemingly used as permanent placement
  - Inability to Access Grievance Process – must be exhausted, specifically outlined in MDOC inmate handbook – BUT MDOC places extreme obstacles for inmates to be able to file a grievance.
  - Lack of COVID-19 Precautions/Misuse of Vaccine – failure to provide sufficient PPE, improper segregation of inmates that request more information regarding vaccine, etc.

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## DRMS Special Report: MS Prisons

- DRMS also attempts to conduct general advocacy to resolve any issues identified by the inmate.
- While DRMS, as the P&A, tries to focus on remedying the systemic issues, we can and do represent inmates who fit our case criteria and require individual legal representation.
- Along with the systemic issues identified, DRMS does investigate any alleged issues of abuse and neglect; however, this can be very hard to decipher in MDOC facilities – it is arguable that they are all being abused and neglected given the conditions seen in these next slides.

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## MS Prisons – A Preview

- o Response from Report: **COPIES HAND DELIVERED TO GOVERNOR, LT. GOVERNOR, AND MS LEGISLATURE WITH NO RESPONSE FROM ANY STATE LEADERSHIP, but MDOC COMM. HAS HAD PLENTY TO SAY...**
  - o MDOC Commissioner Burl Cain has taken the 'everything is fine and will be fixed by July 2021' stance
  - o Continuously misrepresents 'improvements' in the facilities.
  - o A lot of empty promises and showmanship – see also Angola Prison ("modern day slave plantation", ordered beatings, extended solitary confinement, unethical business deals, and threats)
- o So, what's next?
  - o *Briggs v. Dunn*, 2:14-cv-00601 (M.D. Ala)
  - o On June 17, 2014, prisoners and the Alabama Disabilities Advocacy Program (ADAP) filed this class action lawsuit in the U.S. District Court for the Middle District of Alabama. The plaintiffs sued the Alabama Department of Corrections (ADOC) under the Americans with Disabilities Act (ADA), § 504 of the Rehabilitation Act, and 42 U.S.C. § 1983. Represented by the Southern Poverty Law Center, ADAP, and private counsel, the plaintiffs sought declaratory and injunctive relief. They claimed that ADOC provided inadequate medical and mental health services and involuntarily medicated prisoners.
  - o Still ongoing; however, some portions of this have been settled/under consent decree

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## WHERE CAN YOU FIND US/LEARN MORE?

- o If you or someone you know may need DRMS' services or assistance, call to initiate the intake process.
  - o Call (601) 968-0600 or toll free at (800) 772-4057 to set up an intake appointment
- o We have rebranded – check out our new and improved website at [drms.ms](https://drms.ms)
- o We have a podcast! *Don't Get Me Started...with DRMS* can be found anywhere you get your podcasts (Apple, Spotify) as well as YouTube
- o We are SOCIAL! You can find the latest information on Facebook or Twitter.
- o For more on DRMS' prison work, including the full report and photo galleries, visit [drms.ms/prison](https://drms.ms/prison)

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